

MEMO ENDORSED

**Federal Defenders
OF NEW YORK, INC.**

Southern District
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October 20, 2020

VIA ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
United States Courthouse
40 Centre Street
New York, New York 10007

Re: *United States v. Daniel Zavala and Christopher DeAquino,*
18 CR 735 (KPF)

Dear Judge Failla:

With the consent of all parties, I write to seek a brief adjournment of the next pretrial conference, currently scheduled for November 12, 2020 at 1:00 pm. The defendants intend to plead guilty at the next conference. I have a suppression hearing scheduled before Judge Furman on November 12 and therefore ask for the adjournment to accommodate my work schedule. The parties are generally available any day before Thanksgiving other than November 16th or 19th.

The parties further request that the change-of-plea proceedings be conducted via teleconferencing. Both defendants reside in California and, in light of the pandemic, have concerns regarding their health and safety if they were to travel to New York. Defense counsel also has health concerns related to in-court proceedings. Pursuant to the CARES Act, the Court can conduct remote proceedings where there are specific reasons that the proceeding cannot be further delayed without serious harm to the interests of justice. Such reasons exist here. Defendants' change-of-plea hearings already have been adjourned because of COVID and both the public and the defendants have an interest in finality. Furthermore, the Court has calendared a trial to begin on December 14 and the interests of justice are best served if the defendants are permitted to change their pleas well in advance of that date.

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Finally, in light of the anticipated guilty pleas, the parties also ask that the Court vacate or adjourn the previously-set schedule for pretrial submissions that requires the filing of jury charge requests, proposed voir dire questions, and motions *in limine* on November 16, 2020.

Respectfully submitted,

/s/ JULIA GATTO
Julia L. Gatto
Assistant Federal Defender
M: 347-528-6714

cc: all parties (via ECF)

Application GRANTED. The conference scheduled for November 12, 2020, is hereby ADJOURNED to November 20, 2020. Mr. Zavala's conference shall take place at 11:30 a.m. Mr. DeAquino's conference shall take place at 2:00 p.m. The conference will be held via video conference, and instructions for video participants will be sent in advance of the conference. Because the parties have informed the Court that Defendants each anticipate entering a change of plea at the upcoming conference, the trial currently scheduled for December 14, 2020, and the final pretrial conference scheduled for November 30, 2020, along with deadlines for pretrial submissions, are hereby adjourned *sine die*.

Dated: October 23, 2020
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE